(40)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI SATISH K. AGNIHOTRI, J.

W.P. (PIL)No. 5380 of 2006

PETITIONER Bhimsen S/o. Gobind Ram Dewangan, aged about 25 years, Occupation – Agriculture, R/o Kosta para, Raigarh, Tahsil and District, Raigarh (C.G.)

VERSUS

RESPONDENTS

1. Union of India through Ministry of Textile, New Delhi
2. Deputy Director, Central Tasar Silkworm Seed Station, Lakha, P.O. Raigarh (C.G.)
3. Joint Director, Basic Tasar Silkworm Seed Organization, Satyam Complex, Link Road, Bilaspur (C.G.)
4. C.E.O. & Member Secretary, Central Silk Board, CSB Complex, BTM Layout, P.O. Madivala, Bangalore (Karnataka)

Present : Smt. Hameeda Siddique, learned counsel for the petitioner.
Shri Bhishma Kinger, learned Standing counsel for Union of India/respondents.

ORAL ORDER
(Passed on 5th October, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ .

The action of the 4th respondent herein proposing to shift Central Tasar Silkworm Seed Station (CTSSS) Lakha unit district Raigarh to Kargi Road- Kota, Bilaspur by complaining that if the shifting is allowed, it would violate the environmental laws, specially, the provisions of Article 21 of the Constitution of India. It is also stated that the shifting would result in the local people losing jobs. It is needless to state that the impugned decision of the 4th respondent is a policy decision after

taking in to account all the relevant facts and circumstances of the case and public interest. It is well settled that the policy decision should not lightly be interfered with by the Court under Article 226 of the Constitution of India unless in a given case it is demonstrably shown to be irrational and arbitrary and violates Article 14 postulates. There is nothing before us to conclude in that way. Be that as it may, in the course of argument, it was brought to our notice by learned counsel for the petitioner that Shri Jagdish Mehar Ex-Chairman, M.P. State Textile Corporation has submitted a representation to the 4th respondent dated 16-05-2006, a copy of which is marked as Annexure P/5 opposing the shifting, and that the 4th respondent did not consider the same. It is not that before approaching this Court under Article 226 of the Constitution of India, the petitioner himself had made any representation to the 4th respondent opposing the proposed shifting. In that view of the matter, we dispose of this writ petition reserving liberty to the petitioner to make an appropriate representation to the 4th respondent, and if such representation is made within a period of one month from today, the 4th respondent shall consider the same and on such consideration, if he finds that there is substance in the complaint, then, to take appropriate corrective measures, in accordance with law. No costs.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge